

**MINUTES OF THE
AUBURN CITY PLANNING COMMISSION MEETING
September 4, 2012**

The regular session of the Auburn City Planning Commission was called to order on September 4, 2012, at 6:00 p.m. by Chair Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

COMMISSIONERS PRESENT: Snyder, Young, Vitas & Spokely

COMMISSIONERS ABSENT: Worthington

STAFF PRESENT: Will Wong, Community Development Director
Lance E. Lowe, AICP, Associate Planner

I. CALL TO ORDER

II. APPROVAL OF MINUTES

None

III. PUBLIC COMMENT

None

Commissioner Vitas recused himself from both of the Planning Commission Public Hearing items and left the room due to his business dealings with both the applicants.

IV. PUBLIC HEARING

- A. VARIANCE PERMIT – 200 AUBURN FOLSOM ROAD (COURTVIEW OFFICE VARIANCE) – FILE VA 12-04 & HDR 12-11.** The applicant requests approval of a Variance to allow a second freestanding sign lieu of one freestanding sign.

Director Wong provided the Planning Commission with an overview of the proposed Sign Variance and staff's recommendation of approval.

Chairman Spokely asked about the sight visibility along Auburn Folsom Road and sign materials proposed.

Director Wong replied that the sign will be setback from the street and will not present a visibility issue along Auburn Folsom Road and called out the sign materials.

Chairman Spokely opened the Public Hearing.

Michael Murphy of 180 Agard Street addressed the Commission.

Mr. Murphy noted that considering the number of tenants in the commercial complex, additional signage is necessary.

Mr. Murphy wanted clarification of the conditions of approval.

Director Wong noted that a minor amendment needs to be made to state that the permit needs to be effectuated or request an extension.

Ruth Harden resident of Sapphire Drive addressed the Commission and asked why the monument sign is on the left side of the entrance. Ms. Harden believed a better location was on the other side of the driveway.

Mr. Murphy addressed the location question posed by Ms. Harden.

Chairman Spokely closed the public hearing.

Commissioner Snyder **MOVED** to adopt Planning Commission **Resolution 12-11** for the Courtview Office freestanding sign variance (Files # VA 12-04) as presented.

Commissioner Spokely **SECONDED** the motion.

AYES:	Snyder, Young, Spokely
NOES:	None
ABSTAIN:	Vitas
ABSENT:	Worthington

The motion was **APPROVED**.

- B. CONTINUED PUBLIC HEARING – RECOMMENDATION OF AN ORDINANCE ENTITLED MOBILE FOOD VENDORS – AN ORDINANCE AMENDING THE AUBURN MUNICIPAL CODE TO REGULATE MOBILE FOOD VENDING ON PRIVATE PROPERTY – ADMIN. FILE 301.3(z).** Planning Commission recommendation to the Auburn City Council on an ordinance amending the Auburn Municipal Code by adding Section 159.176 *et. seq.* to regulate Mobile Food Vending on private property.

Planner Lowe presented an overview of the Mobile Food Vending Ordinance for Planning Commission consideration. Planner Lowe described the specific provisions of the draft ordinance including, but not limited to, where Mobile Food Vendors may locate, siting requirements and Use Permit Fees.

Commissioner Snyder asked about special events and whether or not Mobile Vendors could just show up at special events?

Director Wong replied that the Mobile Vendor would have to get permission from the organization putting on the special event and would need to obtain a business license as part of the organized event.

Chairman Spokely asked if a Mobile Food Vendor can locate on a public parking lot and sell goods?

Planner Lowe replied that Mobile Vendors could park in a private parking lot, as an ancillary use, with the owner's permission and sell goods.

Commissioner Young wanted clarification regarding organized events vs. non-organized events.

Planner Lowe replied that this ordinance would be for Mobile Food Vendors on private property.

Director Wong clarified that the Planning Commission's purview was for private property solely. The City Council will also be considering a Mobile Food Vending Ordinance for the public right of way.

Commissioner Young noted that as drafted, Mobile Food Vendors would be prohibited in the Historic Old Town and Downtown Districts.

Chairman Spokely asked about the duration that a Mobile Food Vendor may operate.

Planner Lowe noted that as drafted, Mobile Food Vendors may operate up to 12 hours with approval of a Use Permit.

Chairman Spokely asked if the business organizations were notified?

Planner Lowe replied that the business organizations were notified via correspondence in which staff provided an overview of the ordinance.

Chairman Spokely asked how sales receipts were collected?

Chairman Spokely opened the public hearing.

Heather Willis resident of Granite Bay addressed the commission.

Ms. Willis noted that she owns one of the businesses where Maria's Tacos parks.

Ms. Willis noted that a lot of businesses were not notified that this meeting was occurring. Ms. Willis presented the commission with a petition with ±60 signatures supporting Maria's Tacos.

Ms. Willis noted that Auburn has some wonderful restaurants but there is a need for both Mobile Food Vendors and restaurants.

Chairman Spokely asked about the existing site where Maria's is located. Would it be allowed as the ordinance is drafted?

Planner Lowe noted that the site is in the Downtown Historic District and Mobile Food Vendors would be prohibited from the Old Town and Downtown Historic Districts.

Commissioner Young asked about the lot requirements.

Planner Lowe noted that the use would have to be a secondary use of the site and the site would have to be paved.

Commissioner Snyder asked about the prohibition in the Historic Districts.

Planner Lowe noted that due narrow streets, crowded sidewalks, and the related safety hazards identified in the ordinance the Historic Districts are prohibited.

Planner Lowe noted that Mobile Food Vendors could locate on Highway 49, Auburn Folsom Road, Nevada Street and the Airport properties.

John Dunlap of 10905 Sunrise Ridge Circle noted that he served for 6 years as the CEO of the California Restaurants Association.

Mr. Dunlap noted that there are 62,000 restaurants in California and 10 percent of the workforce derive their income from the restaurant industry.

Mr. Dunlap stated that the draft Mobile Food Vending Ordinance was a good template to start with except the prohibition of these operations in Old Town and Downtown. Mr. Dunlap noted that he agrees with the safety and sanitary components of the ordinance.

Mr. Dunlap stated that he does not believe that Mobile Food Vendors have the same clientele as "Brick and Mortar" businesses and are not a threat to the Brick and Mortar businesses.

Mr. Dunlap believes that the ordinance should be as permissive as possible provided that health and safety issues are addressed.

Mr. Dunlap noted that the Commission should not buy the argument that Mobile Food Vendors will negatively impact the Brick and Mortar Businesses.

Commissioner Snyder asked how Mr. Dunlap heard about tonight meeting?

Mr. Dunlap replied that his daughter graduated from culinary school and was thinking about establishing a Mobile Food Truck business.

Jim of Canyon Court Auburn, addressed the Commission. Jim noted that the Mobile Food Truck operating in Downtown should be improved. Jim noted that it's an older truck that needs new paint, maintenance, etc.

Bill Prior Sr., owner of the property where Maria's is parking, addressed the Commission. A building was recently demolished on the site and Maria's occupies the gravel and blacktop site during the day.

Mr. Prior noted that he gets a number of inquiries each week from brick and mortar businesses and eventually a building will be constructed on the property. Until such time Mr. Prior notes that he has allowed Maria's Food Truck to locate on a month to month basis.

Chairman Spokely asked Mr. Prior if he is ok with the ordinance as drafted.

Mr. Prior replied that he is not in favor of the ordinance because it prohibits locating in Old Town and Downtown.

Mr. Prior noted that the City needs to help every business opportunity in Downtown.

Ruth Harden of Sapphire Drive Auburn asked for clarification about the timeframes and prohibitions of the ordinance.

Chairman Spokely clarified the hours of operation and prohibition of the ordinance.

Director Wong noted that the 30 minute limitation was imposed on the business licenses that have been approved. The new ordinance would supersede the 30 minute limitation via the Use Permit requirement.

Mr. Dion Isicson, owner of Depot Bay addressed the Commission. Mr. Isicson noted that we are not just talking about 1 food truck but the possibility of multiple food trucks operating in the Old Town and Downtown areas. Mr. Isicson noted that he took issue with a Mobile Food Vender not incurring the same costs such as Business Improvement fees, utility costs, etc. locating 50 feet from his business. Mr. Isicson noted that brick and mortar businesses incur costs that mobile vendors do not.

Mr. Isicson noted that the City of Sacramento has been fighting this battle for a number of years.

Chairman Spokely asked if Mr. Isicson would like more regulation?

Mr. Isicson replied not necessarily and noted that 30 minutes is not enough time to operate but on the other hand 12 hours is not mobile.

Mr. Isicson also noted that health and safety issues need to be looked at and should be provided by the Mobile Food Vendor.

Mr. Isicson also had concerns about the number of Mobile Food Vendors located on one property. If they are allowed on vacant property, several Mobile Food Vendors could locate on a one property resulting in a Mobile Food Court.

Gary Moffat, of 230 Forest Hill Avenue addressed the Commission.

Mr. Moffat noted that Mr. Dunlap had an interest in the Mobile Food Vending Ordinance considering that his daughter was contemplating a Mobile Food Vending Operation.

Mr. Moffat noted that brick and mortar business incur several expenses to keep their doors open on a monthly basis that Mobile Food Vendors do not.

Mr. Moffat noted that when you allow a Mobile Food Vendor to operate 12 hours at one location, it no longer becomes mobile.

Mr. Moffat noted that the original concept of Mobile Food Vendors was great. Mobile Food Vendors initially were to serve remote underserved areas where there is no food service available. Areas like the industrial and commercial areas on Borland Avenue and Nevada Street and the Airport is where Mobile Food Vendors are appropriate. However, bringing food trucks into areas already served by existing brick and mortar restaurants is not good business.

Mr. Moffat noted that he has no objection to Mobile Food Vendors; however, the prohibition in Old Town and Downtown should remain in the ordinance.

Chairman Spokely closed the public hearing.

The Planning Commission discussed and considered the following components of the Ordinance:

Hours of operation – The Planning Commission discussed hours of operation that should be imposed on Mobile Food Vendors. It was noted that the current policy of 30 minutes was not long enough but allowing Mobile Food Vending to operate at one location 12 hours per day is not mobile. Chairman Spokely recommended that 2 hours seemed to be a reasonable timeframe (Ayes: Spokely & Young/Noes: Snyder).

Paved vs. Un-paved lots – Discussion on whether or not Mobile Food Vending should occur on paved vs. un-paved lots was considered. The Planning Commission

noted that it was reasonable to require Mobile Food Vendors to operate on paved lots (Ayes: Spokely & Young/Noes: Snyder).

Prohibition in the Old Town and Downtown Districts – The Planning Commission considered the prohibition in the Old Town and Downtown Districts and other areas where Mobile Vendor could locate. Due to the reasons stated in the staff report, the a motion was made by Commissioner Spokely that the Historic Districts should be prohibited (Ayes: Spokely & Young/Noes: Snyder)

Vacant Lots – It was agreed by the Planning Commission that vacant lots should be allowed provided they were paved (Ayes: Spokely, Young & Snyder)

Sales Tax & Business Improvement District (BID) fees – The Planning Commission directed staff to provide information on how sales tax revenues are paid for mobile food vendors and whether or not Mobile Food Vendors pay Business Improvement District (BID) fees (Spokely, Young & Snyder).

Commissioner Spokely **MOVED** Adopt Resolution 12-9 recommending that the Auburn City Council adopt the Mobile Food Vending Ordinance, as amended by the Planning Commission, amending the Auburn Municipal Code by adding Section 159.176 *et. seq.* to regulate Mobile Food Vending on private property.

Commissioner Young **SECONDED** the motion.

AYES:	Young & Spokely
NOES:	Snyder
ABSTAIN:	Vitas
ABSENT:	Worthington

V. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS

- A.** City Council Meetings
None
- B.** Future Planning Commission Meetings
- C.** Reports
None

VI. PLANNING COMMISSION REPORTS

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

VII. FUTURE PLANNING COMMISSION AGENDA ITEMS

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

VIII. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Lance E. Lowe